

ORDINANCE NO. CO02.14.10.23.C1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 12 SUBDIVISION ORDINANCE, ARTICLE 12.20 PARKLAND DEDICATION, SECTION 12.20.005 CASH CONTRIBUTION IN LIEU OF LAND DEDICATION, OF THE CITY OF CEDAR PARK CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 12 Subdivision Ordinance, Article 12.20 Parkland Dedication, Section 12.20.005 Cash contribution in lieu of land dedication, of the City of Cedar Park Code of Ordinances is hereby amended as follows: As amended in Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of October, 2014, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 23<sup>rd</sup> day of October, 2014 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

  
Matthew Powell, Mayor



LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

  
J.P. LeCompte, City Attorney



ORDINANCE NO. CO02.14.10.23.C1

## **ARTICLE 12.20 PARKLAND DEDICATION**

### **Sec. 12.20.001 Purpose**

(a) All single-family, two family and multifamily residential subdivisions, shall be required to comply with this section [article]. It is the intention of this section [article] to provide for quality parkland and improvements to those parklands; through either parkland property dedication or parkland cash contributions in lieu of property dedication.

(b) The city desires to provide sizable, high quality parkland sites for the use and enjoyment of its citizens. It is intended that such sites be easily accessible to all citizens of Cedar Park and easily maintained by city work forces.

(c) The director of parks and recreation may recommend to the planning and zoning commission that a proposed parkland site dedication is unacceptable and may require parkland cash contributions in lieu of parkland property dedication. Such payments in lieu of parkland property dedication will be based upon the following criteria.

### **Sec. 12.20.002 Criteria for land dedication**

#### **(a) Eligibility of subdivisions for parkland dedication requirements.**

(1) Minor subdivisions. The developer of any subdivision classified as a minor subdivision shall not be required to dedicate parkland. The developer of minor subdivisions shall pay cash contribution in lieu of parkland dedication. However, if the developer feels he has parkland area that would be advantageous to the city, he may submit a request for dedicating parkland to the city and the city shall have the option of accepting parkland property dedication or the cash contribution.

(2) Major subdivisions. The developer of any subdivision classified as a major subdivision may be required to dedicate parkland. During the preliminary plan approval process, the developer shall designate a location for the proposed park (see parkland dedication requirements). To meet the intent of this chapter, one larger park rather than several small ones spread over the subdivision may be required. At this time the planning and zoning commission will decide whether or not the proposed property dedication would be consistent with the desires of the city in terms of quality and location of its parklands. Should the city decide that the parkland is not desirable, and then the developer shall pay cash contribution in lieu of parkland dedication.

#### **(b) Properties not required to dedicate parkland.**

(1) All residential properties that are classified as minor subdivisions.

(2) The dedication of land or cash contributions shall not apply to existing lots within a recorded plat. All new lots within a replat or addition to an existing subdivision

shall comply with the parkland dedication or cash contribution requirements as outlined in this chapter.

### **Sec. 12.20.003 Parkland dedication requirements**

(a) Land treatment. Following preliminary platting of the parkland by the applicant or developer, the applicant or developer shall not cause or allow any fill material or construction debris to be dumped on the land (park site), excavate the soil, grade the site, remove or damage vegetation or otherwise physically disturb the site without written permission from the director of the parks and recreation department “director”. The applicant may issue no easements or other dedications. The director may allow the applicant or developer to dump fill material and take other respective actions specified in this section when, at the discretion of the director, such action would be beneficial to the parkland. In all such cases the city shall provide a letter of permission to the respective applicant or developer prior to the action in question. The property shall be considered and treated as parkland.

(b) The amount of land required to be dedicated for parkland will be calculated at a rate of not less than eight (8) acres of parkland per 1,000 ultimate residents or an equivalent ratio thereof. The area of the park to be dedicated shall be measured and calculated to the centerline of any street within the subdivision bounding said park. Parkland must have a minimum of one hundred (100) feet of frontage on a dedicated public street. The following formula shall be used to determine the amount of parkland to be dedicated:

$$\frac{8.0 \times (\text{No Units}) \times (\text{Persons/Units})}{1000} = \text{Acres to be dedicated}$$

(c) The number of persons per unit shall be based on data compiled by the city and shall be reviewed and adjusted as necessary. The following figures represent the average number of persons per unit by current density categories, and shall be used to calculate parkland dedication:

<u>Gross Density per Residential Land</u>	<u>Persons per Unit</u>
From 0 to 6 (Single-family)	3.0
Over 6 to 20 (Multifamily)	2.0

(d) Where a subdivision plat is submitted for a multifamily residential development and information is not provided concerning the number of units, the city shall assume the highest density allowed in the district applied to the property. If a property is not zoned, the city shall assume a density of 20 units per acre, which represents the highest density allowed in the R-2C district. This assumed density might be adjusted to a figure provided by the developer if recorded as a restrictive covenant enforceable by the city and approved by the city attorney.

(e) When an area of less than five (5) acres is required to be dedicated, the city may elect to accept the land offered for dedication, or refuse the same and require the payment of fees in lieu thereof.

(f) No parkland shall be submitted for approval by the city that falls within the one-hundred-year floodplain or is a portion of any drainage or detention systems unless the planning and zoning commission determines, after receiving a recommendation from the parks and recreation board, that the floodplain is desirable for recreation and the floodplain is left in its native condition with the exception of allowing vegetation to be pruned or maintained in a way consistent with the recreational uses and allowing installation of recreational improvements consistent with floodplain uses such as trails, picnic areas, etc. If it is determined that the native floodplain areas are useful for recreational purposes, up to fifty (50%) percent of the land required for dedication based on the parkland dedication calculation may be counted toward the parkland requirements with the condition that the parkland is at least one hundred (100) feet in width and that none of the parkland is utilized for stormwater detention.

(g) All land intended for park purposes shall be inspected both on the plat and in the field by the director of parks and recreation, who shall report to the chairman of the parks and recreation board. The parks and recreation board shall make a recommendation to the planning and zoning commission as to the desirability of the parkland. The planning and zoning commission shall make the final decision.

(h) The developer shall be obligated to place survey corner markers at all corners of the parkland, which has been located by a licensed and professional surveyor. The markers will be four (4) inch diameter PVC pipe recessed twelve (12) inches in the ground. They will contain a 1/2-inch iron pipe or rebar and be filled with concrete flush with ground.

(i) The developer shall be responsible for providing a six (6) inch sewer stub ten (10) feet behind the curb at a location acceptable to the director of engineering or his/her designee. The director of engineering or his/her designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

(j) The developer shall be responsible for providing a three-quarter-inch metered water supply located twelve (12) feet behind the curb at a location acceptable to the director of engineering or his/her designee. The director of engineering or his/her designee will be required to approve such location in writing prior to final approval and release of fiscal requirements of said subdivision.

(k) Parkland to be conveyed as part of a subdivision application shall be designated on both the preliminary plan and the final plat and shown as "Parkland Dedicated to the City of Cedar Park" with the acreage of the parkland also shown. The applicant shall show the area designated as parkland in the narrative portion of the plat where the applicant or developer dedicates all easements, rights-of-way, etc. to the city and designate it as a lot. At the time the applicant requests the city to accept the subdivision improvements, the applicant shall deliver to the parks and recreation department the warranty deed conveying fee simple title of all parkland shown on the final plat approved by the planning commission. Any violation shall result in delay of city acceptance of the subdivision until restoration is made or until a restoration fee calculated at a rate of 1-1/2 the total value of the damage is paid to the city. The director of parks and recreation shall make the value of damages.

(l) If the applicant proposes park improvements to fulfill some or all of the requirements of this section, the applicant shall provide a park plan with the submission of the subdivision plat. The park plan shall consist of a scaled plan drawing showing the entire park site, topographic contours and all proposed improvements including specifications for proposed equipment. It is the intent of this chapter that the applicant provides either parkland or a cash contribution instead of park improvements. Park improvements will be considered for compliance with this article only if it is the opinion of the planning commission, after considering a recommendation from the parks and recreation board, that the park improvements are more desirable than additional parkland dedication. Any playground equipment and all other site improvements are required to be approved by the director of parks and recreation prior to approval of the park plan. All playground equipment and its installation must meet the safety standards set by the U.S. Consumer Product Safety Commission and the National Playground Safety Institute.

#### **Sec. 12.20.004 Neighborhood and linear parks and connections to parks**

(a) General requirements. Parks should be easy to access and open to public view so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. The following guidelines should be used in designing parks:

(1) Where physically feasible, parks should be bounded by streets or by other public uses (e.g. school, library, recreation center, amenity center, detention area).

(2) Where residential lots must directly abut a park, lots should be oriented so as to side and not back to the park. In this instance, cul-de-sac and looped streets should be used to access the lots and park. Residential lots should back to a park only when the site's physical character (e.g. shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g. lots backing to a golf course).

(3) A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

(4) Where a nonresidential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping approved by the urban forester. Access points to the park may be permitted by the city if a public benefit is established.

(5) Public access to a park shall not be less than twenty (20) feet at the curb and shall not be part of a residential lot.

(b) Streets abutting a park. The city may require any proposed residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.

(c) Park reservation and dedication.

(1) Land for neighborhood and linear parks shall be reserved and dedicated in accordance with the locations specified on the parks and open space master plan.

(2) Preliminary plans and final plats shall be reviewed to determine if land dedications shall be required for neighborhood and linear parks. If land is to be dedicated, the city shall specify the proposed land requirements, and the land owner shall accommodate the dedication or offer to dedicate an alternative site, which reasonably meets the same needs of the city. The park and recreation advisory board shall make the final determination of site location and configuration reserved for future dedication on the approved preliminary plan and/or final plat. Specific neighborhood and linear park sites and improvements shall be dedicated to the city upon approval of the final plat and completion and acceptance of the improvements.

(d) Site criteria. Neighborhood and linear park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the parks and open space master plan, as it exists or may be amended.

(e) Minimum park improvements. Unless waived by the park and recreation advisory board, neighborhood and linear parks shall be improved by the developer prior to acceptance by the city. Minimum park improvements, as determined by the city, shall include:

- (1) Grading and clearance of unwanted vegetation;
- (2) Installation of drainage and stream erosion controls;
- (3) Establishment of turf and planting of trees;
- (4) Installation of perimeter streets and street lights; and
- (5) Provision of water and sewer service.
- (6) Two (2) acres or more.

(f) Additional improvements. The developer may request permission to construct additional park improvements. The parks and recreation advisory board may approve additional improvements if the proposed improvements are consistent with the design criteria and objectives of the parks and open space master plan, as it exists or may be amended, and the parks and recreation advisory board provides a favorable recommendation.

(g) Improvement plan and development agreement. No additional improvements may be made to a proposed park site without prior written approval from the city. The plan shall illustrate all proposed improvements and estimated costs of each improvement (including unit costs where appropriate). Prior to improving the site, the developer and the city must execute a development agreement defining, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed and the timing of such

reimbursement. The city's parks and recreation advisory board shall assess and submit its recommendation to the planning and zoning commission.

(h) Completion of land dedication and improvements. Parkland shall be dedicated to the city concurrently with the filing of an approved final plat or replat. All improvements specified in the park improvement plan and development agreement must be completed prior to approval of the final plat, except where future performance is provided for in a development agreement.

(i) The city may accept or reject voluntary dedications of land and/or improvements for public park purposes.

#### **Sec. 12.20.005 Cash contribution in lieu of land dedication**

(a) Properties subject to cash contribution in lieu of land dedication. All residential properties that are to be subdivided or platted and that are not required to have parkland dedicated to the city are subject to cash in lieu donation, except as provided in Sec. 12.20.002-subsection (b)-(2).

(b) Properties not subject to cash contribution in lieu of land dedication.

(1) All residential properties that have been required to dedicate parkland during the platting process.

(2) The dedication of land or cash contribution shall not apply in the case of a replat of a plat, subdivision or addition or the resubdivision of existing single lots that received approval after the date in which any previous parkland/greenbelt dedication ordinances were in effect in which dedication of land or payment of fees for parkland may have been required.

(3) Plats and replats for single-family use within the city limits and extra-territorial jurisdiction (ETJ) with no more than three (3) new lots, each with a minimum area of one (1) acre, shall not be required to dedicate parkland or contribute cash in lieu of parkland.

(c) Payment schedules for cash contributions in lieu of parkland dedication.

(1) The director of parks and recreation shall recommend to the planning and zoning commission that developers of all minor subdivisions meet the parkland dedication guidelines with a cash contribution. The rate shall be set at a rate of seven hundred twenty dollars (\$720.00) per dwelling unit for single-family; four hundred eighty dollars (\$480.00) per dwelling unit for two-family; and four hundred eighty dollars (\$480.00) per dwelling unit for multifamily.

(2) The director of parks and recreation may recommend to the planning and zoning commission that developers of all major subdivisions shall meet the parkland



dedication guidelines with a cash contribution. The rate shall be set at a rate of seven hundred twenty dollars (\$720.00) per dwelling unit for single-family; four hundred eighty dollars (\$480.00) per dwelling unit for two-family; and four hundred eighty dollars (\$480.00) per dwelling unit for multifamily.

(3) A park plan that consists of a cash contribution in lieu of parkland dedication as provided for in this section may be approved by the Director of the parks and recreation department for a residential subdivision of ten (10) dwellings or less.

(d) Time schedules regarding deeding of parkland properties and improvements to the city by the applicant.

(1) The parkland shall be deeded to the city at the time the applicant requests the city to accept the subdivision improvements.

(2) The applicant prior to acceptance of subdivision improvements as approved with the park plan shall complete any improvements to parkland by the city.

(e) Time schedules regarding the payment of cash contributions in lieu of parkland dedication and the expenditure of cash contributions by the city toward parkland or parkland improvements.

(1) Cash contributions shall be paid at or prior to the time of final plat approval.

(2) The city shall expend the cash contributions for park or parkland improvements within five (5) years after the day any such cash contribution is made.